

REMARKS/ARGUMENTS

Reconsideration of the above-identified application in view of the present amendment is respectfully requested. Claims 12-14, 18, and 20-28 are pending. Claims 12-14, 20, 21, 25, and 26 are amended, claims 1-11, 15-17, and 19 are canceled, and claims 27-28 are added.

Claims 14 and 24 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. This rejection is respectfully traversed. In all the embodiments and species, the pinion has teeth that engage the piston teeth. The only difference between the embodiment illustrated in Figs. 4 and 5 (Species III) and that illustrated in Figs. 2 and 3 is the way the pinion engages the belt spool. In particular, according to the embodiment of Figs 2 and 3, the pinion 130 is engaged by the undulating extension 128 of belt spool 114, while according to the embodiment of Figs 4 and 5, the pinion 230 itself, in particular flange 254, engages the belt spool 214. In fact, the reference numbers of the embodiments in Figs. 4 and 5 have the same tens and ones digits as those respective reference numbers from the previously described embodiment that correspond to the same components. It is apparent to a person skilled in the art from the description and the figures of the other species that the pinion of Figs. 4 and 5 has teeth that engage the piston teeth. Also, claim 1 is canceled and thus claims 14 and 24 no longer depend on claim 1. Therefore, in

view of these reasons, the above-mentioned rejection to claims 14 and 24 should be withdrawn.

Claims 12-14 stand rejection under 35 U.S.C. 112, second paragraph. Claims 12-14 are amended to delete the "output element" and instead recite a driven element that is driven by the pinion. Claim 12 is also amended to substitute the phrase "said deformable element allowing said pinion to yield with respect to said driven element" for the phrase "where it allows said pinion a play with respect to said output element" for better clarification. Therefore, the rejection of claims 12-14 under 35 U.S.C. 112, second paragraph, should be withdrawn.

Claim 12 stands rejected under 35 U.S.C. 102(b) as being anticipated by JP 2000-313311. This rejection is respectfully traversed. JP 2000-313311 does not disclose or suggest a deformable element disposed between the pinion and a driven element. By contrast, JP 2000-313311 discloses a ring member 85 made of synthetic resin which is accommodated in hole 75 of housing member 72. The right shaft portion 83 of the pinion gear is in the hole 75 and engages the ring member 85 with a play. Therefore, claim 12 is allowable.

Applicant appreciates the allowance of claim 13 if rewritten in to overcome the rejection under 35 U.S.C. 112, 2nd paragraph, and to in to include all of the limitations of the base claim and any intervening claims. Accordingly, claim 13 is amended, as previously mentioned, to overcome the rejection under 35 U.S.C. 112, 2nd paragraph. Claim 13 is also amended

to include all of the limitations of the base claim and intervening claims. Therefore, claim 13 is allowable. Claim 27, which depends from claim 13, is allowable as depending from an allowable claim and also for the specific limitations recited therein.

Claim 14, which depends from claim 12, should be allowed for the same reasons as claim 12 and also for the addition feature that the driven element has a recess with inner teeth into which outer teeth of said pinion engage. Therefore, claim 14 is allowable.

Claims 18 and 20-26, which depend indirectly or directly from claim 12, are allowable as depending from an allowable claim and also for the specific limitations recited therein.

New claim 28 recites a belt retractor comprising a linear drive having a cylinder, a piston guided displaceably in the cylinder, at least one deformable element, a pinion, and a driven element being driven by the pinion. The piston is provided with teeth which can engage into the pinion in order to rotate the pinion upon displacement of the piston. The at least one deformable element is configured to prevent blocking when the teeth enter into engagement with the pinion. The deformable element is either secured to and moves with said piston or provided between said driven element and said pinion. None of the prior art discloses or suggests all of the features recited in claim 28. Therefore, claim 28 is allowable.

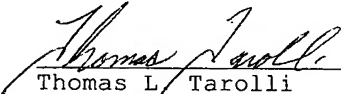
BEST AVAILABLE COPY

Serial No. 10/810,942

In view of the foregoing, it is respectfully submitted that the above-identified application is in condition for allowance, and allowance of the above-identified application is respectfully requested.

Please charge any deficiency or credit any overpayment in the fees for this amendment to our Deposit Account No. 20-0090.

Respectfully submitted,


Thomas L. Tarolli
Reg. No. 20,177

TAROLLI, SUNDHEIM, COVELL,
& TUMMINO L.L.P.
526 Superior Avenue, Suite 1111
Cleveland, Ohio 44114-1400
Phone: (216) 621-2234
Fax: (216) 621-4072
Customer No.: 26,294